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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,233	04/09/2004	Paul Edward Cuddihy	145885-1	1728
6147	7590	09/20/2006	EXAMINER TANG, SON M	
GENERAL ELECTRIC COMPANY GLOBAL RESEARCH PATENT DOCKET RM. BLDG. K1-4A59 NISKAYUNA, NY 12309			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,233

Applicant(s)

CUDDIHY ET AL.

Examiner

Son M. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no relationship of "a processor" in the processing of the claim.
3. Claims 15 and 19 recites the limitation "said transmitter" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 9-13 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barben, Jr. et al. [US 5,646,594; Barben] in view of Pasternak [US 6,990,394].

Regarding claims 1-2, 4-5, 9-11, 15-17 and 19-21: Barben discloses a passive infrared motion sensor for determining when motion ceases within a home, comprising:

- a detector (16) for detecting activity, such as person walking in the room [Fig. 5A];
- a first signal indicative of a first detection of activity (motion within the detection area) being "transmitted" via a communication means (40) [col. 4, lines 38-40] to a relay driver logic

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circuit (42) and power relay (44) which controls power flow to turn on lamp (70) for a set time period, set by timer (32) which begins running upon a first detection of activity [see Fig. 1-2, col. 4, lines 30-49];

-a processor (42); .

B.L. -wherein upon the timer running to a set time period without detection of any subsequent activity after the first detection of activity, a second signal ^{is} ~~or~~ "signaled" ~~a second signal~~ indicative of inactivity for the set time period within the detection area to logic circuit (42) to turn off lamp [see col. 4, lines 46-59], and wherein the detector is adapted to continue watching for activity after the second signal indicative of inactivity is transmitted/signaled [see col. 5, lines 20-21]. Barben mentions that the power relay (44) which receives power control signal from logic circuit (40) can be a separated unit from the detector unit [see Fig. 5A and col. 6, lines 2-8], but does not specifically show that the motion sensor (16) is a wireless sensor, and a (wireless) transmitter which is used to (wirelessly) transmit said first and second signals. Pasternak teaches a lighting control system comprising a wireless motion sensor (145), which wirelessly transmits detected signal to the remote lamp controller 140 for controlling lamp operation [see Fig. 4, col. 5, lines 5-6]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to implement the "transmitting" or "signaling" function in Barben using a known transmitter such as a wireless transmitter taught by Pasternak and further to use a wireless motion sensor as suggested by Pasternak in the system of Barben, for the benefit of convenience and less cost of labor for installing hard transmission wired throughout the detection area.

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Regarding claim 3: Barben further discloses that the detector comprises a signal processor (40) and a sensing portion (16) [see Fig. 2].

Regarding claims 6, 12: Barben does not specifically disclose that the predetermined time is no greater than five minutes, however, it is an adjustable timer which can be adjusted as user desired. Therefore, it is a matter of obvious design choice to set the time period is no greater than five minutes.

Regarding claim 7: Barben further shows that the sensor is configured to detect activity in the vicinity of interior doors (see Fig. 5A).

6. Claims **8 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barben, Jr. et al. in view of Pasternak, and further in view of Joseph et al. [US 5,410,297; Joseph].

Regarding claim 8, 14: Barben and Pasternak disclose all the limitations as described above, except for not specifically show that the sensor comprises a pad for detecting activity on a bed. Joseph teaches a patient presence monitoring system which comprising a motion sensor pad (4) which detects activity on the bed [see Fig. 1, col. 5, lines 27-49]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to use a pad sensor as suggest by Joseph in the combination arts above, for the purpose of be able to monitor at multiple locations, including the bed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lehmann et al. [US 5,949,333], Ferraro [US 6,078,257] and Dwight et al. [US 5,905,436].

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son Tang


BENJAMIN C. LEE
PRIMARY EXAMINER